



GP 1806

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

SMITH, Craig A. et al.

Attorney Docket No.: 2503

Group Art Unit: 1806

Serial No.: 07/946,236

Examiner: T. Nisbet

Date Filed: 9/15/92

For: METHOD OF TREATING TNF-DEPENDENT
INFLAMMATION USING TUMOR NECROSIS
FACTOR ANTAGONISTS

#80068
supp
80068

ELECTION OF INVENTION

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed July 27, 1993 in connection with the above-identified application, please consider the following comments.

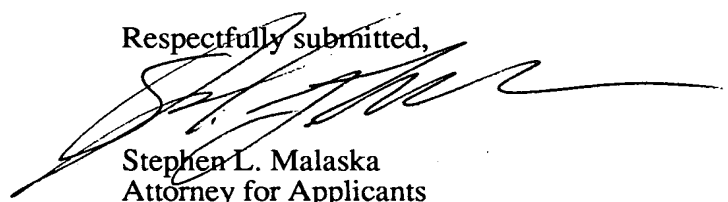
Applicants elect, with traverse, Group I, claims 1-6 and 8-9.

In the Action, the Patent Office alleges that "[i]t has been shown that the administration of two *cytokines* together often results in a synergistic effect on the target disease or cell line."

At the outset, applicants note that neither TNF receptor ("TNFR") nor IL-1 receptor ("IL-1R") are *cytokines*. The molecules are cytokine *receptors*. Therefore, the statement that these molecules are "two cytokines" is in error. Furthermore, the description of claim 7 of Group II is erroneous. TNFR and IL-1R are not receptor *antagonists*.

Applicants submit that this information may change the basis for the restriction and requests reconsideration and withdrawal thereof.

Respectfully submitted,


Stephen L. Malaska
Attorney for Applicants
Reg. No. 32,655

Immunex Corporation
51 University Street
Seattle, WA 98101
Telephone (206) 587-0430

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below.

Date: 8/10/93

Signed: Joanne C. Stettin